

7/16/81

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MEMORANDUM FOR: Director of Central Intelligence
VIA : Deputy Director of Central Intelligence
General Counsel
Deputy Director for Administration
FROM STATINTL : [REDACTED]
Acting Director of Personnel
SUBJECT : Gifts Received from Representatives of
Foreign Governments

1. Action Requested: This memorandum is for informational purposes only. It is in response to your questions concerning guidelines governing gifts accepted by Agency employees from representatives of foreign governments. I understand that they relate to three specific areas, i. e., gifts retained for official use, gifts of edible or potable items, and gifts comprised of more than one item.

2. Background: The current law on foreign gifts is Section 515 of Public Law 95-105, (the Foreign Relations Authorization Act, FY 1978) dated 17 August 1977. Among other things, this law provides that "Each employing agency shall prescribe such regulations as may be necessary to carry out the purpose of this section. For all employing agencies in the executive branch, such regulations shall be prescribed pursuant to guidance provided by the Secretary of State." Consequently, we have issued a regulation concerning receipt of foreign gifts and decorations and published headquarters [REDACTED] notices on this subject to inform and remind employees of their responsibilities in this respect. These publications are consistent with the guidance provided by the Department of State; however, neither that guidance nor our issuances are so specific as to cover all situations. When we have encountered situations which require clarification we have queried the Office of the Chief of Protocol at the State Department and have been provided with their guidelines which we have adopted. Among the issues addressed by these guidelines are the following:

STATINTL

a. The law provides that gifts of more than minimal value may be temporarily retained by an agency for official use but does not further define "official use" or specify what types of gifts can appropriately be retained. However, guidance from the Department of State provides:

"Agency regulations shall be geared toward avoiding to the maximum extent possible arbitrary action in the approval of retention of gifts for official use and ensuring that all employees are assured the maximum opportunity for receiving the indirect benefit of gifts retained for official use. For example, if a painting is approved for retention, every effort should be made to display it in an area accessible to the largest number of employees and/or members of the public."

The Protocol office has also indicated that items which serve a decorative purpose may be retained but personal items such as jewelry and clothing must be forwarded to the General Services Administration.

b. State Department guidelines strongly discourage acceptance of edible or potable items of more than minimal value. In the past, when advised of the acceptance of such items, the Chief of Protocol has approved their being held in the Executive Dining Room for use at official functions but has reiterated the State Department position on discouraging acceptance.

c. The law does not address the common situation where more than one item is given to an employee at the same time by the same giver. State Department guideline treat all such items collectively as being one gift. If the total value of all items in such a gift exceeds the minimal value, an individual item that makes up a part of that gift cannot be kept even though its individual worth might be less than \$100.

STATINTL
[REDACTED]

Distribution:

0 - DCI
1 - DDCI
1 - ER
1 - OGC
~~2~~ - DDA
1 - D/Pers
2 - C/BSD (1 w/h)
1 - ExecSec/HMAB

OP/BSD/ [REDACTED] mem (20 Oct 78)

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STATINTL Rewritten/[REDACTED]:mem (3 Nov 78)